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November 8, 2019

VIA ECF

Hon. Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Government Employees Insurance Company, et al. v. M S B Rx Corp., et al.*
Docket No.: 19-cv-232(NG)(PK)

Dear Magistrate Judge Kuo:

We represent Plaintiffs (collectively “GEICO” or the “Plaintiffs”) in the above-referenced matter. We are pleased to inform that Court that Plaintiffs have reached a settlement in principle with four of the Defendants¹: MSB Rx Corp. d/b/a Forest Drugs, Taira Rx Corp. d/b/a Forest Drugs, Michael Slava Bassanell, and Mikhail Borukhov. While this represents a substantial resolution of the action, GEICO and the remaining Defendants (Irina Hakimi, KZ Pharmacy, Inc., and Mani Ushyarov, D.O.) remain quite far apart in settlement discussions.

At this point, Plaintiffs do not believe that the settlement conference currently scheduled for November 18, 2019 would be an effective use of the Court’s time and resources and respectfully request that the conference be canceled. To the extent that the Court believes that a settlement conference would still be helpful in this matter, Plaintiffs request that the conference be adjourned for a short period of time so that the remaining Defendants can first provide their initial discovery responses. Mr. Harfenist has consented to the cancellation and/or adjournment of the conference. We have been unable to reach Mr. Bowers.

We appreciate the Court’s attention to this matter.

Respectfully submitted,

RIVKIN RADLER LLP

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¹ GEICO previously settled all claims against Defendant Jordan Sudberg, M.D.

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